

CITY COUNCIL MINUTES
March 24, 2008
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, March 24, 2008 at 6:00 p.m. with Mayor Keith Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL:

Council Members Present: Bob Snyder, Kevin Hanley, J. M. Holmes, Keith Nesbitt

Council Members Absent: Bridget Powers

Staff Members Present: City Manager Robert Richardson. City Attorney Michael Colantuono, Assistant Planner Reg Murray, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Joanna Belanger Administrative Manager, Police Chief Valerie Harris

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/
ANNOUNCEMENTS**

Proclamation: National Boys & Girls Club Week, March 30 – April 5, 2008

The 2008 Youth of the Year, Brian Chapman, accepted the proclamation on behalf of the Boys & Girls Club of Auburn.

Mr. Randy Tooker, Boys & Girls Club Chief Professional Officer, announced that Brian Chapman competed in the Northern California Youth of the Year competition and was one of three finalists that will go on to compete in the State. He said Brian is one of the six finalists in over 400,000 Boys and Girls Club members in the State. He said Brian will be representing Auburn in competition at the State Capital on April 19, 2008. He stated that Brian is the sixth Auburn Youth of the Year out of the last seven selected to make it to the State finals.

AGENDA APPROVAL

No changes.

CONSENT CALENDAR

1. **Warrants**

By **RESOLUTION 08-28** approve Warrants # 68719 – 68954, totaling \$1,105,941.45.

2. **Minutes**

By **MOTION** approve City Council Minutes of January 14, and 28, February 11 and 25, 2008.

3. **E.V. Cain School Boys and Girls Club Facilities – Permission to Advertise**

By **MOTION** authorize the Director of Public Works to advertise for the E.V. Cain School Boys and Girls Club Facilities.

4. **Contract with National Fish & Wildlife Foundation for the School Park Preserve**

By **RESOLUTION 08-29** authorize the Director of Public Works to sign and execute the contract with National Fish & Wildlife Foundation for funding for the School Park Preserve irrigation project.

5. **Airport Consultant – Carter Burgess, Inc.**

Removed by Mayor Nesbitt; item to follow consent calendar.

6. **Baltimore Ravine Consultant Agreements**

By **RESOLUTION 08-30** authorize the Director of Public Works to sign and execute the consultant agreement with KD Anderson & Associates, Inc. and Ponticello Enterprises Consulting Engineers, Inc. for engineering services related to the Baltimore Ravine Specific Plan and the Baltimore Ravine Environmental Impact Report.

7. **Amended and Restated Lease for Airport Property with Pacific Bell Telephone Company**

Removed by Council Member Holmes; item to follow consent calendar.

***** End of Consent Calendar *****

By **MOTION** approve the Consent Calendar excluding Items 5 and 7.
MOTION: Hanley/Snyder/Approved 4:0 (Powers Absent)

5. **Airport Consultant – Carter Burgess, Inc.**

Mayor Nesbitt stated that he felt some of the fee schedules were a little high, although Carter Burgess would only be used on a time and material basis.

Public Works Director Warren stated that based on the fee schedule in 2006 of the last consultant, Mead and Hunt, comparisons between the two firms seemed reasonable. He said the initial request for qualifications did not include payment or costs. Mr. Warren said that it is probable that if there was a project of magnitude, a specific fee could be negotiated for that project. The fee schedule would be utilized for emergency services.

By **RESOLUTION 08-31** authorize the Director of Public works to sign and execute the consultant agreement with Carter Burgess, Inc. for engineering services related to the Auburn Municipal Airport. **MOTION: Holmes/Hanley/Approved 4:0 (Absent Powers)**

7. **Amended and Restated Lease for Airport Property with Pacific Bell Telephone Company**

Council Member Holmes stated that he thought Pacific Bell was no longer in existence and was now AT&T. He said his concern was with whom the City is really contracting. He also stated that the effective date of the contract was July 2007 and so many months had passed since the contract was negotiated. He said that Exhibit D showed an incorrect address for the recorded document to be sent.

City Attorney Colantuono responded that AT&T is the parent corporation; the local operating company still operates under the legal name of Pacific Bell. He said, "in terms of why we are backdating it, the negotiations do not have any particular deadline because their existing lease has a few more years on it. They are trying to clean-up the lease, years in advance of its expiration, so they know they have a long-term relationship with the space and can plan for it and can invest in it. It is economically convenient to make the changes to the lease effective at the beginning of the year in which they occur. So, they simply backdated it to the beginning of the lease year for convenience purposes." He said the address on the document will be corrected. He advised that the difference in back lease payments will be made when the lease is signed.

Mr. Snyder commented that many of the leases from the Industrial Park are long-term leases and have been in existence for a long period of time.

He said many of the lessees recognize that the leases need to renew long before a lease expires and that the City should expect that. He said it is to the City's advantage to negotiate early when the lessee is ready to do that.

By **RESOLUTION 08-32** approve and authorize the City Manager to execute an Amended and Restated Lease between the City of Auburn and Pacific Bell Telephone Company for property at the Auburn Airport.
MOTION: Holmes/Hanley/Approved 4:0 (Absent Powers)

8. **Public Comment**

Council Member Hanley extended his appreciation to the City Public Works staff and Corporation Yard staff for the construction of the signs at the train station and also the brick base that holds the bronze plaque.

Council Member Snyder stated that he and the City Manager have been working with the State Parks Bureau of Reclamation and the park organization to plan something special for the river opening, scheduled for May. He offered the Council a tour of the river in about a month.

Council Member Snyder stated that the Fire Safe Council is going to organize a meeting of the residents affected by the urban interface to talk about readiness for the fire season. The meeting is scheduled for May 15, 2008.

Council Member Holmes stated that Brian Chapman, 2008 Youth of the Year, is also a member of the Youth Advisory Commission.

Mayor Nesbitt advised that the Auburn Redevelopment Agency, the City itself, and many citizens, received an award from the County Economic Development Commission for the Park Preserve Project.

PUBLIC HEARING

9. **Second Residential Units Ordinance Amendment – (Admin File 301.3(g))**

Assistant Planner Reg Murray introduced the item. He said this is a request to amend the current provisions of the zoning ordinance relative to second residential units. He explained the current code provisions and the State's change to the code regarding conditional use permits. He said the City is now requesting the removal of the conditional use permit requirement from our code and updating and reconfiguring some of the standards.

Mayor Nesbitt inquired about the approval process. He asked if approval is deemed ministerial, at what point should the neighbors be notified? He said he was concerned about taking the public hearing process out of the action. Reg Murray answered that if an applicant wants to exceed the standard, there is still a notification process for adjacent property owners. Mr. Murray said that the Community Development Department always encourages applicants to talk to their neighbors about their proposals prior to a request for a permit.

Council Member Hanley asked how many second units have been approved since the State law was passed in 2003. Mr. Murray advised that he did not have the figures, but noted that in the 2007 calendar year there were four second units processed. City Attorney Colantuono advised that there will be three levels of approval: (1) approved over the counter (2) approved by staff after a review that may impose conditions, and (3) those that differ from the standards and therefore requiring a hearing. Mr. Murray clarified State and City standards.

Council Member Snyder asked about the requirement that the property owner must live in one of the units. He was concerned that over time a family member might not live in one of the two units. Mr. Murray confirmed that one of the units would have to be closed. Mr. Snyder suggested that he would like that condition omitted since it would put the City in an awkward position at a later time. He said it would be owner-occupied at the time the permit is approved, but if something changes after that, the unit would not have to be shut down.

Council Member Holmes stated that he had the same concern with enforcement. He said the City should not place itself in the position of code enforcement. He said he would support a change in the wording.

Council Member Hanley stated that the purpose is to minimize neighborhood opposition to having both units rented. He said that becomes a different situation. He said he is supportive of the owner living in one unit.

By **MOTION** approve A, B and C:

- A. By **MOTION** find that the amendment to the City of Auburn Zoning Ordinance is Statutorily Exempt from the California Environmental Quality Act (CEQA) per Section 15282(h) for the adoption of an ordinance regarding second residential units,
- B. By **MOTION** adopt the following findings of fact:

1. The Second Residential Units Ordinance is consistent with the General Plan; and,
2. The Second Residential Units Ordinance is consistent with State law and is the minimum necessary to protect the health, safety, and general welfare,

C. By **MOTION** introduce and hold a first reading by title only of the Second Residential Units Ordinance, amending Sections 159.325 *et seq.* of the Auburn Municipal Code by establishing standards and criteria for the development of second residential units,

with the modification of deleting the requirement that there always has to be an owner-occupied in either of the two units.

City Attorney Colantuono said, "If the Council wishes to pursue that language, I would suggest that on page 151, paragraph J, instead of saying 'the property owner shall occupy the main living unit or the second unit at all times', etc., simply say 'the applicant shall be an owner-occupant of the property.'"

Council Member Hanley stated that he had to oppose the ordinance because he felt the Legislature intended to support affordable housing in residential neighborhoods but wanted to have the owner living in one of the units to minimize possible neighborhood problems by having a lot of renters. He said homeowners in the neighborhood would contact the City if there was a problem. He felt it would be a "complaint-driven process."

Council Member Snyder said he had the same concern, but carefully read the Government Code Section which talks about the purpose the Legislature was trying to accomplish. He quoted, ".....except a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant." He said he does not believe it was a State purpose to prevent units from being rented, but if a jurisdiction wanted it to be required it could do so.

Mayor Nesbitt asked that the 10-day notification be extended for a longer period of time up to 30 days. City Attorney Colantuono advised that if there are different notification periods for different situations, eventually someone will make a mistake and create a problem. He suggested one standard for all permits makes it easier to avoid mistakes. He also advised that the applicant would have to wait for 30 days before he could invest in the project in the event the permit was appealed. Mayor Nesbitt said he wanted a 15-to 20-day notice period because he does not want to circumvent the public process.

MOTION AS AMENDED as per the City Attorney's language and extend the notification period to 15 days: **Snyder/ Holmes/Approved 4:0 (Absent Powers)**

REPORTS

10. Informational Reports from Staff

A. Auburn Fire 2007 Emergency Incident Report

Fire Chief Mark D'Ambrogi provided a written report to the Council. He highlighted his written report noting the number of calls received. He stated that the highest incident response was EMS. He discussed call volume and response time. He also outlined staffing. He explained the "chipper" program. He advised Council of City training programs. He talked about the shaded fuel break and funding for it. He provided statics from a Firehouse Magazine survey that showed Auburn to be one of the busiest stations with a single engine, ranking number five nationwide. Council questions and comments followed.

B. Police Chief Valerie Harris Quarterly Report

Police Chief Valerie Harris stated that she wanted to provide to the Council trends of crime, service to the community, and department activity levels. She also asked Council where it would like emphasis placed on future reports.

She described department values, and outlined the personnel breakdown and corresponding responsibilities. She said there is an ongoing training need for schooling beyond standard mandates for police personnel. She explained "specialty teams" to include both sworn and non-sworn personnel and other police agencies. She advised that there are grants that provide some funding but whether or not those continue will be determined after the State's budget is publicized. Chief Harris explained the citizen volunteer program. She said those individuals provide service to the community without compensation.

Chief Harris explained crime data both felonies and lesser crimes such as vandalism. She said Auburn continues to be below the national average in felony crimes. She said although crimes have decreased, there is an increase in required investigation time.

She said obtaining statics is more difficult for the Police Department in that two separate systems are utilized. She said

there was a drop in traffic collisions and injury accident rate, usually correlated to enforcement efforts and seatbelt usage. She said the department is very close to having 911 cellular calls directed to dispatch within our cell-site area. She said it should occur in June when an upgrade is made to the CAD System. She said although most alarm activations are false alarms, it puts an undue burden on the department. Chief Harris said that the department has been more diligent in notifying owners that there will be a \$50 charge after the third false alarm.

Chief Harris said that one of the biggest challenges in her department is maintaining all of the services on a continual basis. She said overtime and vehicle maintenance is a large percentage of the department's budget as well as costs specific to a crime. She said there is no way to project those events on an annual basis. Administrative Services Director Andy Health advised that the Police Department's budget is on target at this time. Council questions and comments followed.

Council Member Snyder said he would be interested in comparisons to cities of like size in the area, such as Grass Valley and Placerville. Council Member Hanley said he would be interested in regional comparison statistics, like Sacramento, because some of their problems could come to Auburn. Council Member Holmes stated he would like to see more local comparisons also. They discussed gang related graffiti and gang presence in Auburn.

11. **City Council Committee Reports**

None

COUNCIL BUSINESS

12. **Hillside Development Ordinance Review**

Assistant Planner Reg Murray introduced the item. He said the properties that may be applicable to a Hillside Ordinance were shown on a map provided to the Council. He said they were residential properties, primarily undeveloped or underdeveloped, with some development potential. He said properties with a "view area" were also included. He said also included was the Baltimore Ravine Specific Plan area.

Mr. Murray said Council previously asked what type of factors might affect staffs ability to work on a Hillside development ordinance. He said it really amounts to time and money. He said they were able to take the projects

already underway to estimate time involved and also contacted various jurisdictions to obtain their ordinances for Council perusal. He said the ordinances vary from two pages to sixteen pages, all differing in content. He said the Planning Commission and the Council would need to provide direction regarding the content of an ordinance. Mr. Murray said that there are three different options: (1) include as part of the zoning ordinance update (2) as a component of the Specific Plan and (3) proceed separate from the first two options and move forward with an ordinance solely dealt with by City staff.

Council Member Holmes asked about the time frame for the zoning ordinance. Mr. Murray stated that there is no specific time frame. Council Member Holmes stated that it makes a difference in the selection of option 1. Mr. Murray said the goal would be to have the ordinance done concurrent with the completion of the Specific Plan.

Council Member Snyder stated that it was clear to him that the Council has to define what it wants early in the process. He said before time and cost can be considered, staff has to know what the Council wants in the ordinance. He recommended that a workshop with the Planning Commission be held to discuss exactly what the goals are and what needs to be achieved. He recommended that staff be directed to set up a workshop at the earliest possible time to discuss the options. Council Member Snyder said it would give the public the opportunity to participate as well.

Council Member Hanley said that Hillside standards are to be included in the Baltimore Ravine Specific Plan. He asked if those standards are similar to the sample ordinances obtained from other jurisdictions. Mr. Murray said that it is not known at this time. He advised that the proponent is still putting together the Specific Plan document that will be submitted to the Community Development Department. Council Member Hanley asked if the General Plan goals provide enough guidance to implement something more specific. Mr. Murray said in light of recent issues with the Auburn Bluffs proposal, it would be beneficial to have guidance from the City Council.

Council Member Holmes stated that he supported Council Member Snyder's idea to have a Planning Commission-City Council workshop wherein the public could offer its input. Mayor Nesbitt said if that is the direction the Council chooses, the meeting should be expedited while the issues are fresh in everyone's mind.

By **MOTION** direct staff to set a joint City Council-Planning Commission Workshop on hillside grading issues at the earliest possible date.

MOTION: Snyder/Holmes

MOTION TO AMEND to direct staff to set a joint City Council-Planning Commission Workshop on hillside grading issues within the next 30 days. Amendment accepted as friendly by mover and seconder.

MOTION AS AMENDED: Nesbitt/Holmes/Approved 4:0 (Absent Powers)

Council Member Hanley recommended that the Council and Planning Commission look at the map that was provided to the Council and try to find the problem that needs to be solved. He said there could be different problems in different areas. He said there are view issues and drainage concerns. He said the problems need to be identified prior to crafting an ordinance.

Mr. Murray asked for clarification of items to be discussed at the workshop. Mayor Nesbitt said, "It would behoove us to deal with everything that the Planning Commission would like to address with us, but the Hillside Ordinance should be the main attraction."

13. **Citywide Reorganization – Phase 1**

Administrative Services Manager Andy Health introduced the item. He provided an overview of recommended citywide reorganization action. He said the recommendation is consistent with the budgetary challenges that the City will be facing over the next three years commencing in 2008. He provided a three-year forecast starting with next fiscal year, 2008-2009. He discussed general fund reserves and the citywide reorganization. He said it would include workforce reduction, 30-day severance pay, a janitorial request for proposal process, Airport Manager responsibility transfers and the Assistant City Clerk job classification amendments.

He said this is phase 1 reorganization because future reductions will be necessary: \$129,000 next year, \$613,000 in 2009-10 and \$398,000 in 2010-11. He said the staff continues to discuss the situation and the potential state impact to the budget. He said the targeted use of reserves is \$1,000,000 over the next three fiscal years. He advised that the staff reduction represents 11.4% citywide. He said participation in CalPERS 2-year service credit program is recommended for the impacted employees.

Elisabeth Davis, 430 Perkins Way, city worker for almost 18 years, said there was an increase for an Administrative Manager plus additional salary increases, but that was in the past year-and-a-half or two years.

She said people that have been laid off are discouraged and did not want to attend the Council meeting. She said some are pleased with the two-year service credit, although they would have liked more time to figure personal finances. She suggested that possibly more employees should have been approached regarding retirement. She said she has worked under several Councils, Finance Directors and City Managers. She said that during the last cut-back the previous City Manager, Nick Willick, did not take his raises for several years. She said it was a very difficult time and that the employees worked very hard on small salaries without raises. Ms. Davis said that the employees can understand the situation, but she hopes that, the next time employees are laid-off, they are provided with more warning. She said that she is thankful to have worked for the City, but hopes that in the event of more lay-offs the situation will be handled differently in the future.

Kathy Widing, Business Representative for Local 39, stated that difficult decisions have been made to balance the budget. She said there is a profound effect on the impacted employees since the lay-offs had nothing to do with their performance. She said the employees that remain will have to get the same amount of work done. She said those employees are less trustful of the employer and feel less job security. She said two of the persons laid off have more than ten years with the City and two more have more that eighteen years of service.

Ms. Widing said the two custodians cleaned more square footage that she would have thought possible. She said they have both been background checked because of the access they have to worksites when the City Hall is not occupied in addition to Police Department access. She said those positions were deleted, not because of lack of work, but because it can be done by minimum wage workers without benefits. She said it sets a tone for the employees that remain. She said is a deep concern to her that City custodians would be laid-off and be replaced by a contracted workforce.

Joe Labrie stated that he felt the process was unfair because employees were getting two-week notices "out of the blue." He said "Liz" has been with the City for almost 18 years and is laid-off and a more recently hired employee remains in her department. He said that people who have been with the City for the least amount of time are remaining while some with many years of service have been laid-off. He said it would have been a good idea to ask all the employees if any wanted to leave. He said people have house payments and no medical coverage and it hurts them. He said the pain could be shared if others took pay cuts. He questioned whether or not someone would get a bonus for cost savings by decreasing the workforce. He also stated that he never heard of an airport that operated without an Airport Manager.

Roseanne Wilks, 8755 Valarie Road, stated that she is the contractor that cleans the multi-modal station, the airport and the Old Town restrooms. She questioned the decision to put all the facilities under one umbrella contract. City Manager Richardson said the decision was made for cost consideration overall. He said if the City looks at what it pays for internal costs and what it pays in contract services, possibly greater efficiency can be gained by putting it all into one large contract. She asked if contractors have been consulted to find out if the action would really save the City money. Mr. Richardson said he certainly assumes that it will save money. City Attorney Colantuono said the Council will be asked to approve a request for proposals tonight. Then proposals will come into the City and may or may not be awarded. Ms. Wilks said it could cost more to have all cleaning services under one contract. She said it appears she is losing her job too. Mr. Richardson advised Ms. Wilks that she will be provided with an RFP and given an opportunity to make a proposal.

Council Member Hanley stated that these are difficult decisions, but the City does face massive deficits for years to come. He said the City cannot earn enough in revenues to pay expenses. He said they are trying not to minimize service to the citizens in public safety. He explained that Redevelopment funds, such as allocated for the streetscape or the marquee, cannot be used for general City purposes. He said those projects do provide jobs and help to stimulate the local economy.

City Manager Richardson said all existing employees will have their work duties stretched. He said phase 2 does not necessarily mean more lay-offs. He said there is a lot of additional work to be done to bring expenditures down. He said the next phase will look at structuring the organization to work as efficiently as possible with fewer people and still maintain service levels. He said a team approach will be taken with the airport. He said it has come to his attention that some concerns need immediate attention. He said they will be looking at entirely new capital funding for the airport. He advised that some things are already in motion. He said the entire process was very difficult to get to a bare minimum over a three year period of time and continue to maintain the current level of services.

Council Member Holmes stated that the Council is not pleased with having to make these decisions. He said he knows it can be very difficult for individuals and families. He said it is his hope that by taking this action no more positions will have to be eliminated. He said he would be happy to give his recommendation to any employee who may wish it for future employment.

Mayor Nesbitt said that he echoed all that had been said. He said that he, too, has been laid off and it does hurt and come as a shock.

1. By **RESOLUTION 08-33** amend the City's staffing plan by deleting the following positions effective March 29, 2008:
 - A) 1.0 FTE Airport Manager (Airport);
 - B) 0.5 FTE Administrative Assistant (City Manager's Office);
 - C) 1.0 FTE Custodian (Public Works);
 - D) 1.0 FTE Facilities Maintenance Worker (Public Works);
 - E) 1.0 FTE Information Technology Manager (Administrative Services)
 - F) 1.0 FTE Lead Custodian (Public Works);
 - G) 2.0 FTE Office Assistant (Community Development/Public Works)
 - H) 0.5 FTE Records Clerk (PT) (Police);
 - I) 1.0 FTE Sr. Accounting Technician (Administrative Services); and
 - J) 1.0 FTE Sr. Building Inspector (Community Development)

MOTION: Hanley/Snyder/Approved 4:0 (Absent Powers)
 2. By **RESOLUTION 08-34** approve a thirty (30) day base-salary severance payment to City employees impacted by the March 24, 2008 deletion of positions. **MOTION: Hanley/Snyder/Approved 4:0 (Absent Powers)**
 3. By **RESOLUTION 08-35** direct the City Manager or his designee to issue a Request for Qualifications related to providing janitorial services to all citywide public facilities, including the Robert F. Conheim Multimodal Station, Old Town Public Restroom, Auburn Municipal Airport, City Hall and the Police Administration Building. **MOTION: Hanley/Snyder/Approved 4:0 (Absent Powers)**
 4. By **RESOLUTION 08-36** approve a reorganization of Airport management responsibilities to the City Manager's Office, and the Administrative Services and Public Works Departments. **MOTION: Hanley/Snyder/Approved 4:0 (Absent Powers)**
 5. By **RESOLUTION 08-37** approve amendments to the Assistant City Clerk job class specification consistent with the efficient and effective delivery of City services. **MOTION: Hanley/Snyder/Approved 4:0 (Absent Powers)**
14. **CalPERS Two-Years Additional Service Credit Participation**

Administrative Services Director advised that the item is a follow-up to the March 10th approval of the Council to make public the cost of the 2-year

service credit program. He explained that this action will allow the City to offer a 90-day window for eligible members to participate in the 2-year service credit program.

The City Council, by **RESOLUTION 08-38** does seek to add another designated period to participate in the California Public Employees' Retirement System's (CalPERS) Two-Year Service Credit option, and does hereby authorize this resolution, indicating a desire to add a designated period from March 25, 2008 through June 22, 2008 for eligible members in the Lead Custodian, Sr. Building Inspector, Public Works Superintendent, Office Assistant, Sr. Accounting Technician, Airport Manager, and Facilities Maintenance Worker classifications. **MOTION: Holmes/Hanley/**
Approved 4:0 (Absent Powers)

ADJOURNMENT

Mayor Nesbitt adjourned the meeting, without objection, at 9:05 p.m.

Keith Nesbitt, Mayor

Joseph G. R. Labrie, City Clerk